



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#24
8/21/02
C. Style

Application of: VITE et al.

RECEIVED

Application No.: 09/084,542

Group Art Unit: 1624

AUG 14 2002

Filed: May 26, 1998

Examiner: B. Kifle

TECH CENTER 1600/2900

For: EPOTHILONE DERIVATIVES

Attorney Docket No.: LD125b (5624-263)

RESPONSE

Box Non-Fee Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed May 20, 2002, Applicants submit herewith the following remarks for consideration and entry into the record of the above-captioned application. Applicants respectfully request reconsideration of the pending claims and allowance thereof. For the Examiner's convenience a complete list of the currently pending claims is attached hereto as Appendix A.

REMARKS

Claims 1-4, 7-8, 11, and 14-67 are pending in this application for the Examiner's review and consideration. Applicants appreciate the courtesies extended to Applicants' attorneys, Anthony M. Insogna and Paul E. Dietze, during a telephonic interview conducted on July 10, 2002. The comments appearing herein are substantially in accordance with those presented and discussed in the interview.

THE REJECTION UNDER 35 U.S.C. §112 SHOULD BE WITHDRAWN

Claims 1, 2, 4, 7-8, and 15-58 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons set forth on page 2 of the Office Action. Applicants respectfully traverse the rejection.

The Examiner alleges that the term "substituted" without saying which substituents are intended is indefinite. First, Applicants note that claims 15-16 and 54 do not recite the word "substituted." With regard to the remaining claims Applicants respectfully submit that independent claim 1 and claims depending therefrom are not indefinite. "Whether a claim is . . . [indefinite]